

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANDREW FIELDS, III,)
)
)
Plaintiff,)
)
)
-vs-) Case No. CIV-24-252-F
)
)
FEDERAL BUREAU OF PRISONS)
et al.,)
)
)
Defendants.)

ORDER

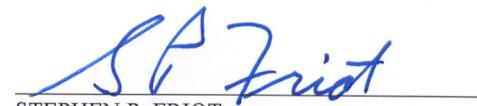
On April 19, 2024, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation, recommending this action, filed under 42 U.S.C. § 1983, be dismissed without prejudice. *See*, doc. no. 7. The basis for the recommendation was plaintiff's failure to comply with the court's March 12, 2024 order requiring the payment of the \$405 filing fee or the submission of an *in forma pauperis* motion by March 29, 2024. *Id.* Magistrate Judge Erwin advised plaintiff of his right to file an objection to the Report and Recommendation by May 6, 2024, and specifically advised that failure to make timely objection waives the right to appellate review of the factual and legal issues therein addressed.

To date, plaintiff has neither filed an objection to the Report and Recommendation nor sought an extension of time to file an objection. The record reflects that Magistrate Judge Erwin's Report and Recommendation was returned undeliverable. *See*, doc. no. 8. However, pursuant to LCvR5.4, “[p]apers sent by the court will be deemed delivered if sent to the last known address given to the court.” Because the Report and Recommendation was sent to the last known address

given to the court and no timely objection has been filed by plaintiff, the court accepts, adopts, and affirms Magistrate Judge Erwin's Report and Recommendation.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin is **ACCEPTED, ADOPTED** and **AFFIRMED**. This action, filed under 42 U.S.C. § 1983, is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b), Fed. R. Civ. P., for failure to comply with the court's order.

DATED this 8th day of May, 2024.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

24-0252p001.docx